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7

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9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11
12 JAMES PARSONS, individually and as
Special Administrator of the Estate of Carolyn
Lee Parsons, and ANN-MARIE PARSONS,

13 Plaintiffs,
14
15 vs.

16 COLT'S MANUFACTURING COMPANY
LLC, *et. al.*,
17
18 Defendants.

CASE NO.: 2-19-cv-01189-APG-EJY

19
20 DEFENDANTS' JOINT RESPONSE
TO THE COURT'S ORDER TO SHOW
CAUSE WHY THIS ACTION SHOULD
NOT BE REMANDED UPON
RECONSIDERATION
[ECF NOS. 130, 132]

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26
27 Defendants Colt's Manufacturing Company LLC; Colt Defense LLC; Daniel Defense,
LLC; Patriot Ordnance Factory, Inc.; FN America, LLC; Noveske Rifle Works LLC; Christensen
Arms; Lewis Machine & Tool Company; LWRC International LLC; Discount Guns & Ammo;
DF&A Holdings LLC; Maverick Investments LP; Guns & Guitars, Inc.; and Sportsman's
Warehouse, Inc. (collectively, "Defendants"), through their respective counsel, file this joint
written response to this Court's Order to Show Cause (ECF Nos. 130, 132) and ask that the Court
dismiss this action with prejudice pursuant to the December 2, 2021 decision of the en banc
Supreme Court of Nevada.
28

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 This Court previously certified three questions to the Nevada Supreme Court that were
 3 potentially dispositive of this action. ECF No. 109. This Court subsequently issued an Order to
 4 Show Cause why, upon reconsideration, this case should not be remanded to state court. ECF
 5 No. 130. However, pursuant to the Parties' stipulation, this Court stayed the Order to Show Cause
 6 pending the Supreme Court's review of the certified questions. ECF No. 132 at 7. This Court
 7 further directed Defendants to file a written response addressing the Order to Show Cause within
 8 14 days of the Supreme Court's written decision. *Id.* On December 2, 2021, the Nevada Supreme
 9 Court, sitting en banc, issued a unanimous published opinion in favor of Defendants. **Exhibit 1**
 10 (Certified Opinion in *Parsons v. Colt's Mfg. Co. LLC*, ---P.3d ---, 137 Nev. Adv. Op. 72, 2021 WL
 11 5751828 (Dec. 2, 2021)).

12 Specifically, the Supreme Court held that NRS 41.131 precludes Plaintiffs' theory of
 13 liability in this action:

14 The federal court has determined that the complaint plausibly
 15 alleges that the AR-15s violated state and federal machinegun
 16 prohibitions. It now asks this court to decide whether the allegation
 17 of illegality allows the parents' wrongful death and negligence per
 18 se claims to proceed, despite the immunity NRS 41.131(1) declares.
 We hold that it does not and that, as written, ***NRS 41.131 provides
 the gun manufacturers and distributors immunity from the claims
 asserted against them under Nevada law in this case.***

19 Ex. 1 at 3 (emphasis added). The Supreme Court thus ultimately determined that, "NRS 41.131
 20 declares a legislative policy that the Parsons cannot proceed with these claims under Nevada
 21 law." *Id.* at 20.

22 As a result of this unequivocal holding, Plaintiffs have no claims that they can pursue
 23 against Defendants in either federal or state court. Accordingly, Defendants request that this Court
 24 dismiss this action in its entirety with prejudice upon the Supreme Court's forthcoming issuance of
 25 remittitur. *See* NRAP 41.

26 ///

27 ///

28 ///

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CONCLUSION

For the foregoing reasons, this Court should not remand this case and should instead dismiss this action in its entirety with prejudice.

DATED: December 16, 2021

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56 *Tool Company, LWRC International, LLC,*
57 *and Patriot Ordnance Factory, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2021, I electronically transmitted the foregoing
DEFENDANTS' JOINT RESPONSE TO THE COURT'S ORDER TO SHOW CAUSE
WHY THIS ACTON SHOULD NOT BE REMANDED UPON RECONSIDERATION to the
Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing
to all counsel in this matter; all counsel being registered to receive Electronic Filing.

/s/ Lyndsey Luxford
An employee of SNELL & WILMER L.L.P.

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INDEX OF EXHIBITS

Exhibit No.	Description	Pages
1	Certified Opinion in <i>Parsons v. Colts Mfg. Co. LLC</i> , --P.3d ---, 137 Nev. Adv. Op. 72, 2021 WL 5751828 (Dec. 2, 2021)	21

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